

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DINO ANTOLINI,

Plaintiff,

: ORDER  
18 Civ. 2942 (LGS) (GWG)

-v.-

STEVEN GAUTIER-WINTHER, et al.,

Defendants.

X

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILEDFILED: 12/12/18  
ELECTRONICALLY FILED: 12/12/18**GABRIEL W. GORENSTEIN, United States Magistrate Judge**

The Court has read the parties' letters docketed as Docket ## 56, 57, 58, 60, 62, 63.

First, the Court is disappointed that plaintiff's counsel, Stuart H. Finkelstein, has resorted to using intemperate language in his letters to the Court — particularly in reference to defendants' counsel and defendants themselves. For what it is worth, Mr. Fineklstein's use of such language has an effect on the Court that is the exact opposite of what Mr. Finkelstein presumably intended. While the Court believes an apology to opposing counsel is in order, the Court will leave that to Mr. Finkelstein's judgment. Instead, the Court directs Mr. Finkelstein to cease his intemperate conduct and to treat opposing counsel with the utmost respect in the future.

As to the substance of the dispute, the Court reads the scheduling order (Docket # 55) as permitting defendants to respond to the document requests by December 20, 2018. The Court cautions defendants, however, that Rule 34 has been amended in material ways that make their previous responses improper. See, e.g., Fischer v. Forrest, 2017 WL 773694 (S.D.N.Y. Feb. 28, 2017). Any new response must comply with the current version of Rule 34.

On the issue of financial records, if the defendants state in writing in their document response that they will not put into issue their own financial situation as to any claim or defense in this case, they are not required to produce such records. They will also of course be precluded from offering any such evidence either at summary judgment or at trial.

The Court reminds the parties that it will require them to comply with paragraph 2.A of its Individual Practices as to any future discovery disputes. The Court expects the utmost civility to be observed by each side during the meet and confer sessions.

SO ORDERED.

Dated: December 12, 2018  
New York, New York

  
GABRIEL W. GORENSTEIN  
United States Magistrate Judge